

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS  
MONDAY, MARCH 22, 2010**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:03 p.m. on Monday, March 22, 2010, with President Vaughn presiding.

Councillor Speedy led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

**ROLL CALL**

President Vaughn instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*28 PRESENT: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn*  
*1 ABSENT: Malone*

A quorum of twenty-eight members being present, the President called the meeting to order.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Nytes recognized Boy Scout Troop 174. Councillor Lutz recognized Wayne Township residents Tom Smith, John Acton and Tim Roberts. Councillor McQuillen recognized council liaison for the Department of Public Works, Dennis Pappenmeier. Councillor Cain recognized Tamara Zahn, executive director, Indianapolis Downtown, Inc. Councillor Speedy recognized new Councillors Angel Rivera and Aaron Freeman. Councillor Gray recognized firefighter Malachi Walker and Reverend C.L. Day. Councillor Evans recognized Katina Harris. Councillor Pfisterer recognized Sally Spires.

## **OFFICIAL COMMUNICATIONS**

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, March 22, 2010, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Ryan Vaughn  
President, City-County Council

## **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

## **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journals of February 22, 2010. There being no additions or corrections, the minutes were approved as distributed.

## **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 98, 2010. The proposal, sponsored by Councillors Lewis, Brown, Malone, Gray and Evans, recognizes Sigma Gamma Rho Sorority. Councillor Lewis read the proposal and presented copies of the document and Council pins to representatives. Councillor Lewis moved, seconded by Councillor Gray, for adoption. Proposal No. 98, 2010 was adopted by a unanimous voice vote.

Proposal No. 98, 2010 was retitled SPECIAL RESOLUTION NO. 14, 2010, and reads as follows:

### **CITY-COUNTY SPECIAL RESOLUTION NO. 14, 2010**

A SPECIAL RESOLUTION recognizing Sigma Gamma Rho Sorority.

WHEREAS, Sigma Gamma Rho Sorority, Inc. is a leading international, nonprofit, community service organization that meets the challenges of the day and continues to grow through Sisterhood, Scholarship and Service; and

WHEREAS, since the Sorority's inception in 1922 at Butler University, Sigma Gamma Rho has been providing the type of service and support established in their slogan, "Greater Service, Greater Progress," to the Indianapolis community; and

WHEREAS, community service, leadership training, and education of Indianapolis' youth has continued to be the focal points of the Sorority's programming efforts by addressing concerns that impact society educationally, civically and economically; and

WHEREAS, through active participation in programs and networking with other organizations such as the Child Advocates, Inc. (CASA), The Coburn Place, March of Dimes Foundation, Big Brothers and

March 22, 2010

Big Sisters of Central Indiana, and Habitat for Humanity, Sigma's legacy of service to improve the quality of life for all mankind continues to thrive; and

WHEREAS, as its Community Service Outreach Project for its 2010 conference, the Alpha Sigma Chapter implements Project Reassurance addressing "Healthy Living Spotlight: Women and Children" and fully supports its Central Regional theme, "Central Region 70 Years: A Purposeful Legacy of Service"; and

WHEREAS, Sigma Gamma Rho recently hosted their 70<sup>th</sup> Regional Conference, where 700 individuals registered. The conference focused on the Sorority's purpose of leaving a legacy of service, the implementation of National Programs geared toward healthy living and choices with a community health fair, and providing workshops geared to support and encourage leaders on the collegiate and graduate levels of membership; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Sigma Gamma Rho Sorority, Inc. for its many contributions through programs and partnerships that improve the quality of life for citizens of the Indianapolis community.

SECTION 2. The Council wishes the Sorority continued success and encourages them to stand firm on their dedication to community service, leadership training and education of Indianapolis' youth.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 99, 2010. The proposal, sponsored by Councillor Pfisterer, recognizes Speedway Schools. Councillor Pfisterer read the proposal and presented copies of the document and Council pins to representatives. Councillor Pfisterer moved, seconded by Councillor McHenry, for adoption. Proposal No. 99, 2010 was adopted by a unanimous voice vote.

Proposal No. 99, 2010 was retitled SPECIAL RESOLUTION NO. 15, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 15, 2010

A SPECIAL RESOLUTION recognizing Speedway Schools.

WHEREAS, all Speedway Schools have been recognized as four star schools at least once in the last five years and are a consistent leader in county standardized test scores. Speedway Schools have the smallest class sizes and the smallest school enrollments in the Metropolitan area; and

WHEREAS, Speedway Schools have a 96% plus student attendance rate, with the longest school day and longest school year in the Metropolitan area; and

WHEREAS, Speedway Schools have no long-term debt, as they are funded by a mixture of State Income Tax, State Sales Tax, and Property Tax (CPF only), with the highest percentage of expenditures going directly to the classroom; and

WHEREAS, Speedway Schools provide modern technology, well-maintained buildings and grounds and have the lowest school tax rate in Marion County. The school-based property taxes for Speedway Schools have declined by approximately 40% since 2007; and

WHEREAS, Speedway Junior High School received the US Department of Education's Blue Ribbon School award and for 2009, Speedway High School had a graduation rate of 96.6%, which is the highest rate in the metropolitan area and the eighth highest in the state; and

WHEREAS, other major state and national successes of Speedway High School include: having the third highest average SAT scores (1652) in the Metropolitan area, being one of 30 medalists in Indiana and one of three medalists in Marion County to receive the Bronze Medal recognition of America's Best

High Schools by US News and World Report, and receiving the Honor Roll designation on the Indiana Chamber of Commerce's list of Best Buy High Schools; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Speedway Schools for its many accomplishments and successes.

SECTION 2. The Council heartily congratulates Speedway Schools on all county, state and national recognitions and encourages continued success in the future.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 100, 2010. The proposal, sponsored by Councillor Sanders, recognizes NUVO on their 20th anniversary. Councillor Sanders read the proposal and presented copies of the document and Council pins to representatives. Kevin McKinney, NUVO, thanked the Council for the recognition. Councillor Sanders moved, seconded by Councillor Mansfield, for adoption. Proposal No. 100, 2010 was adopted by a unanimous voice vote.

Proposal No. 100, 2010 was retitled SPECIAL RESOLUTION NO. 16, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 16, 2010

A SPECIAL RESOLUTION recognizing the 20<sup>th</sup> Anniversary of NUVO.

WHEREAS, NUVO, which stands for New Voice, published its first issue March 14, 1990, and;

WHEREAS, NUVO strives to refer all of our actions to the ideal of truth as expressed in the values of freedom, fraternity and equality, and

WHEREAS, NUVO encourages and facilitates development in our community through the creation and transfer of information, and

WHEREAS, NUVO provides quality commentary, criticism and investigative reporting in the areas of social justice, arts and entertainment, and

WHEREAS, NUVO is locally owned and operated and has been in a time when most media companies are owned by national and multi-national corporations, and ;

WHEREAS, NUVO supports community events and organizations through sponsorship, promotion and involvement such as the Broad Ripple Art Fair, Indy Pride, Indy's Irish Festival, the Indianapolis Symphony Orchestra, IDADA, Indiana AIDS Fund, Second Helpings and many more, and ;

WHEREAS, NUVO employees are committed to supporting and being involved in the community through volunteerism at local organizations including The Humane Society, Horizon House, Gleaners Food Bank, and Keep Indianapolis Beautiful.

WHEREAS, NUVO is a free publication therefore declaring "Knowledge is Free" and making useful information to Indianapolis residents; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The City County Council applauds NUVO for sustaining an alternative voice in the community since 1990

SECTION 2. The Council encourages the residents of Indianapolis to celebrate with NUVO on the occasion of their 20<sup>th</sup> Anniversary which will be celebrated on March 24, 2010

March 22, 2010

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 101, 2010. The proposal, sponsored by Councillor Sanders, opposes transportation of radioactive waste along federal and state highways. Councillor Sanders said that she was made aware of illegal transportation of waste along I-70 and became concerned, which is the impetus for this proposal. Councillor Speedy asked if this is simply in compliance with the transportation study required by federal law. Councillor Sanders said that it is her understanding that this is correct. Councillor Speedy asked if this proposal is then just asking this carrier to obey the law. Councillor Sanders answered in the affirmative. Councillor Sanders moved, seconded by Councillor Nytes, for adoption. Proposal No. 101, 2010 was adopted

Proposal No. 101, 2010 was retitled SPECIAL RESOLUTION NO. 17, 2010, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 17, 2010

A SPECIAL RESOLUTION opposing transportation of certain hazardous waste.

WHEREAS, the United States Department of Transportation and Indiana State Departments of Transportation have been allowing the interstate transportation of low-level radioactive waste materials originating in the State of Vermont and the Vermont Yankee nuclear facility, and

WHEREAS, said low-level radioactive waste has been shipped via trailer-truck along Federal and State highways to the Waste Control Specialists nuclear waste site in Andrews County, Texas, and

WHEREAS, said radioactive waste is being transported despite the fact that the recipient, Waste Control Specialists of Dallas, Texas, has not conducted or filed a Transportation Safety Study for the transport of said radioactive waste material, and

WHEREAS, the lack of said Transportation Safety Study, constitutes a reckless and dangerous disregard for the public health, safety, and welfare, and

WHEREAS, said radioactive waste is being routed though the locality of Indianapolis; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis-Marion County City-County Council hereby resolves to oppose such shipments and call for their immediate cessation until a Transportation Safety Study has been completed and deemed satisfactory by the United States Department of Transportation and/or the Indiana State Department of Transportation and any other federal or state governmental agencies charged with the health, welfare and safety of the public within this jurisdiction.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 102, 2010. The proposal, sponsored by Councillor Coleman, supports the Second Amendment to the United States Government, Article 1, Section 32 of the Indiana Constitution, and the position of Indiana Attorney General Greg Zoeller, recently argued before the United States Supreme Court, that the Second Amendment applies to states and local units of government. Councillor Coleman said that this propsoal simply supports the position recently argued before the attorney general. He moved, seconded by Councillor Speedy, for adoption.

Councillor Sanders moved, seconded by Councillor Gray, to refer Proposal No. 102, 2010 to committee.

Councillor Mansfield said that she supports the motion to refer the proposal to committee as she believes additional information is needed so that they can review the brief filed by the attorney general.

Councillor Coleman said that this is a simple yes or no vote, and either this body, as elected official who took an oath to support the Constitution, support it or do not support it. He said that he opposes the motion to refer the proposal to committee.

President Vaughn stated that the fact that they have taken the oath to support the Constitution actually makes this proposal moot. He said that eight positive votes are needed to refer the proposal to Committee. Proposal No. 102, 2010 was referred to the Rules and Public Policy Committee on the following roll call vote; viz:

*17 YEAS: Bateman, Cockrum, Day, Freeman, Gray, Lewis, MahernB, MahernD, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Sanders*  
*11 NAYS: Brown, Cain, Cardwell, Coleman, Evans, Hunter, Lutz, Rivera, Scales, Speedy, Vaughn*  
*0 NOT VOTING:*  
*1 ABSENT: Malone*

PROPOSAL NO. 9, 2010. Councillor McHenry reported that the Metropolitan Development Committee heard Proposal No. 9, 2010 on March 1, 2010. The proposal, sponsored by Councillor Cockrum, appoints Randolph Snyder to the Metropolitan Development Commission. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended. Councillor McHenry moved, seconded by Councillor Cockrum, for adoption. Proposal No. 9, 2010 was adopted on the following roll call vote; viz:

*25 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Hunter, Lutz, MahernB, MahernD, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn*  
*0 NAYS:*  
*3 NOT VOTING: Evans, Gray, Lewis*  
*1 ABSENT: Malone*

Proposal No. 9, 2010 was retitled COUNCIL RESOLUTION NO. 41, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 41, 2010

A COUNCIL RESOLUTION appointing Randolph Snyder to the Metropolitan Development Commission.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Metropolitan Development Commission, the Council appoints:

Randolph Snyder

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2010. The person appointed by this resolution shall serve at the pleasure of the Council and until his successor is appointed and qualifies.

Councillor Hunter reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 64-67, 2010 on March 17, 2010. He asked for consent to vote on Proposal Nos. 65-67, 2010 together. Consent was given.

PROPOSAL NO. 64, 2010. The proposal, sponsored by Councillor Hunter, reappoints Jeffrey M. Wells to the Crime Prevention Advisory Board. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Hunter moved, seconded by Councillor Speedy, to strike. Proposal No. 64, 2010 was stricken by a unanimous voice vote.

PROPOSAL NO. 65, 2010. The proposal, sponsored by Councillor Hunter, reappoints Marilyn Pfisterer to the Early Intervention Planning Council. PROPOSAL NO. 66, 2010. The proposal, sponsored by Councillor Hunter, reappoints Patricia Jones to the Early Intervention Planning Council. PROPOSAL NO. 67, 2010. The proposal, sponsored by Councillor Hunter, reappoints Linda Hogan to the Early Intervention Planning Council. By 6-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Hunter moved, seconded by Councillor Scales, for adoption. Proposal Nos. 65-67, 2010 were adopted on the following roll call vote; viz:

*25 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Freeman, Gray, Hunter, Lutz, MahernB, MahernD, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Vaughn*

*0 NAYS:*

*3 NOT VOTING: Evans, Lewis, Speedy*

*1 ABSENT: Malone*

Proposal No. 65, 2010 was retitled COUNCIL RESOLUTION NO. 42, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 42, 2010

A COUNCIL RESOLUTION reappointing Marilyn Pfisterer as the majority caucus member of the Early Intervention Planning Council.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Early Intervention Planning Council, the Council reappoints:

Marilyn Pfisterer

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2011. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 66, 2010 was retitled COUNCIL RESOLUTION NO. 43, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 43, 2010

A COUNCIL RESOLUTION reappointing Patricia Jones, a representative of the Marion County School Corporations outside the Indianapolis Public Schools district, as a member of the Early Intervention Planning Council.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Early Intervention Planning Council, the Council reappoints:

Patricia Jones

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2011. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

Proposal No. 67, 2010 was retitled COUNCIL RESOLUTION NO. 44, 2010, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 44, 2010

A COUNCIL RESOLUTION reappointing Linda Hogan to the Early Intervention Planning Council.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Early Intervention Planning Council, the Council reappoints:

Linda Hogan

SECTION 2. The appointment made by this resolution is for a term ending December 31, 2011. The person appointed by this resolution shall serve at the pleasure of the Council and for sixty (60) days after the expiration of such term or until such earlier date as successor is appointed and qualifies.

**INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 82, 2010. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends Sec. 135-741 of the Code concerning the Capital Asset Development Fund"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 83, 2010. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$27,562,000 in the 2010 Budgets of the Indianapolis Metropolitan Police Department, Indianapolis Fire Department and Department of Public Works (Capital Asset Development Capital Projects Fund) for long-term vehicle purchases"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 84, 2010. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Special Resolution which determines the need to lease approximately 15,000 square feet of office space at 8115 E. Washington Street for use as a Marion Superior traffic court and Clerk's office"; and the President referred it to the Administration and Finance Committee.

PROPOSAL NO. 85, 2010. Introduced by Councillor Cardwell. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the statement of benefits of Companion Diagnostics, Inc., an applicant for tax abatement for property located in an Economic Revitalization Area"; and the President referred it to the Economic Development Committee.

PROPOSAL NO. 86, 2010. Introduced by Councillor MahernB. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the issuance of special taxing district bonds of the Redevelopment District, payable from taxes on real property located in the Near Eastside HOTIF Area"; and the President referred it to the Metropolitan Development Committee.



PROPOSAL NO. 87, 2010. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Mark D. Fisher to the Board of Code Enforcement"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 88, 2010. Introduced by Councillors Evans and McHenry. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to clarify that a solid waste transfer station requires special exception approval in order to be established in the I-4-U and I-4-S districts (2009-AO-04)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 89, 2010. Introduced by Councillors Cain and Nytes. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Wellfield Protection Zoning Ordinance to revise the definition of "technically qualified person," to re-assign agency responsibilities for re-evaluation of wellfield delineation boundaries, and for administration of the groundwater protection fee (2009-AO-05)"; and the President referred it to the Metropolitan Development Committee.

PROPOSAL NO. 90, 2010. Introduced by Councillor Hunter. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which confirms the department of public safety director's appointment of Paul R. Ciesielski as chief of the Indianapolis Metropolitan Police Department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 91, 2010. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves a transfer of \$45,000 in the 2010 Budgets of Marion County Community Corrections and Marion Superior Court (Drug Free Community Fund) to implement substance abuse programs "; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 92, 2010. Introduced by Councillors Pfisterer and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation of \$432,140 in the 2010 Budget of the Marion Superior Court (Federal Stimulus and State Grants Funds) to fund salaries of probation officers and a case manager supervisor as part of the Family and Youth Intervention (FYI) program"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 93, 2010. Introduced by Councillor Vaughn. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to eliminate the provisions regarding law enforcement consolidation transition entities, and to make corresponding technical corrections"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 94, 2010. Introduced by Councillor Speedy. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to add and amend various penalties related to the enforcement of provisions addressing the operation and safety of bicycles and bicycle lanes or paths"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 95, 2010. Introduced by Councillor Rivera. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which authorizes multi-way stops at intersections in the Timberlakes subdivision (District 25)"; and the President referred it to the Public Works Committee.

PROPOSAL NO. 96, 2010. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's establishment of a charter school, "Site 1 - St. Andrew/St. Rita" by issuing a charter to ADI, Inc."; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 97, 2010. Introduced by Councillor Pfisterer. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which approves the Mayor's establishment of a charter school, "Site 2 - St. Anthony" by issuing a charter to ADI, Inc."; and the President referred it to the Rules and Public Policy Committee.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NOS. 103-107, 2010, PROPOSAL NOS. 108-112, 2010, PROPOSAL NO. 113, 2010, and PROPOSAL NO. 114, 2010. Introduced by Councillor McHenry.. Proposal Nos. 103-107, 2010, Proposal Nos. 108-112, 2010, Proposal No. 113, 2010, and Proposal No. 114, 2010 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on March 14, February 19 and 24, 2010. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 15-26, 2010, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 15, 2010.

2009-ZON-079

217, 223, AND 227 NORTH TRAUB AVENUE (Approximate Address)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 15

INDIANAPOLIS STARS DIVING CLUB, by Zeff Weiss, requests Rezoning of 0.41 acre, from the D-5 (W-5) District, to the SU-16 (W-5) classification to provide for a not-for-profit diving club, including training and other facilities.

REZONING ORDINANCE NO. 16, 2010.

2009-ZON-088

1733 AND 1836 SPANN AVENUE, 1922 FLETCHER AVENUE, AND

600 SOUTH RANDOLPH STREET (Approximate Addresses)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 16

INDIANAPOLIS PUBLIC SCHOOLS requests Rezoning of 4.89 acres, from the SU-2, I-3-U, and D-5 Districts, to the SU-2 classification to provide for school uses.

REZONING ORDINANCE NO. 17, 2010.

2009-CZN-827

2720 EAST 86<sup>th</sup> STREET INCLUDING PARCELS A.K.A 8605, 8621 AND 8635 DRIFTWOOD DRIVE (Approximate Addresses)

INDIANAPOLIS, WASHINGTON TOWNSHIP

COUNCIL DISTRICT # 3

TRUSTEES OF UNION CHAPEL UNITED METHODIST CHURCH, by Jeffrey Logston, requests Rezoning of 1.4 acres from the D-1 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 18, 2010.

2009-CZN-832

5501 SOUTH EMERSON AVENUE (Approximate Address)

INDIANAPOLIS, FRANKLIN TOWNSHIP

COUNCIL DISTRICT # 25

TH MIDWEST, INC. d/b/a Turkey Hill Minit Markets, by Joseph D. Calderon, requests Rezoning of 4.54 acres from C-S to C-S to add convenience store and gasoline sales to the uses currently permitted by 89-Z-102, those being a pharmacy, business and professional offices, a restaurant, and personal and professional service establishments.

REZONING ORDINANCE NO. 19, 2010.

2009-CZN-833

1461 WEST 10<sup>th</sup> STREET AND 791 UNION DRIVE (Approximate Addresses)

INDIANAPOLIS, CENTER TOWNSHIP

COUNCIL DISTRICT # 15

HEALTH & HOSPITAL CORPORATION OF MARION COUNTY, by Joseph D. Calderon requests Rezoning of 36.976 acres from the UQ-1 (RC)(W-1)(FW) District, to the HD-1(RC)(W-1)(FW) classification to provide for hospital uses.

REZONING ORDINANCE NO. 20, 2010.

2009-ZON-055

218 AND 222 SOUTH 4<sup>th</sup> AVENUE (Approximate Addresses)

BEECH GROVE, PERRY TOWNSHIP

COUNCIL DISTRICT # 20

CITY OF BEECH GROVE, by David Kingen, requests Rezoning of 0.49 acre, from the D-5 District, to the SU-2 classification to provide for school uses.

REZONING ORDINANCE NO. 21, 2010.

2009-ZON-082

11805 AND 11815 BROOKVILLE ROAD (Approximate Addresses)

INDIANAPOLIS, WARREN TOWNSHIP

COUNCIL DISTRICT # 21

CHURCH 52, INC., by David Kingen, requests Rezoning of twelve acres, from the SU-9 District, to the SU-1 classification to provide for religious uses.

REZONING ORDINANCE NO. 22, 2010.

2009-ZON-091

5002 WEST 34<sup>th</sup> STREET AND 3550 AUBURN ROAD (Approximate Addresses)

INDIANAPOLIS, WAYNE TOWNSHIP

COUNCIL DISTRICT # 7

INDIANAPOLIS PUBLIC SCHOOLS requests Rezoning of twelve acres, from the D-4 and D-6II Districts, to the SU-2 (FF) classification to provide for school uses.

REZONING ORDINANCE NO. 23, 2010.

2009-ZON-092

5801 EAST 16<sup>th</sup> STREET (Approximate Address)

INDIANAPOLIS, WARREN TOWNSHIP

COUNCIL DISTRICT # 17

INDIANAPOLIS PUBLIC SCHOOLS requests Rezoning of 8.3 acres, from the D-7 and D-4 Districts, to the SU-2 classification to provide for school uses.

REZONING ORDINANCE NO. 24, 2010.

2009-ZON-097

1349 EAST 54<sup>th</sup> STREET (Approximate Address)

INDIANAPOLIS, WASHINGTON TOWNSHIP

COUNCIL DISTRICT # 3

INDIANAPOLIS PUBLIC SCHOOLS requests Rezoning of 8.415 acres, from the D-5 District, to the SU-2 classification to provide for school uses.

REZONING ORDINANCE NO. 25, 2010.

2009-CZN-830

8610 AND 8690 SHELBYVILLE ROAD (Approximate addresses)

INDIANAPOLIS, FRANKLIN TOWNSHIP

COUNCIL DISTRICT # 25

KOE ENGINEERING & SURVEYING, INC. requests rezoning of 2.643 acres from the D-A District to D-P classification to provide for two single-family dwellings, resulting in a gross density of 0.76 dwelling units per acre.

REZONING ORDINANCE NO. 26, 2010.

2009-ZON-048

3305 SOUTH EMERSON AVENUE, 166 AND 176 SCHAFF STREET, AND 161 GARSTANG STREET (Approximate Addresses)

CITY OF BEECH GROVE, FRANKLIN TOWNSHIP

COUNCIL DISTRICT # 25

CITY OF BEECH GROVE requests REZONING of 1.9 acres, from the I-4-S District, to the C-3C classification to provide for corridor commercial uses.

### **SPECIAL ORDERS - FINAL ADOPTION**

PROPOSAL NO. 432, 2009. Councillor Pfisterer reported that the Administration and Finance Committee heard Proposal No. 432, 2009 on December 1, 2009 and February 23, 2010. The proposal, sponsored by Councillor D. Mahern, amends the employee residence requirements related to employment of persons possessing specialized skills and training for which there are no qualified or employable applicants who are also Marion County residents. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it be stricken. Councillor Pfisterer moved, seconded by Councillor D. Mahern, to strike. Proposal No. 432, 2009 was stricken by a unanimous voice vote.

PROPOSAL NO. 34, 2010. Councillor Cain reported that the Ethics Committee heard Proposal No. 34, 2010 on March 18, 2010. The proposal, sponsored by Councillor Cain, amends the Code to make technical corrections regarding when economic statements of interest need to be filed. By a 4-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Cain moved, seconded by Councillor Lutz, for adoption. Proposal No. 34, 2010 was adopted on the following roll call vote; viz:

*26 YEAS: Bateman, Cain, Cardwell, Cockrum, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn*

*0 NAYS:*

*2 NOT VOTING: Brown, Coleman*

*1 ABSENT: Malone*

Proposal No. 34, 2010 was retitled GENERAL ORDINANCE NO. 9, 2010, and reads as follows:

#### **CITY-COUNTY GENERAL ORDINANCE NO. 9, 2010**

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make technical corrections regarding when economic statements of interest need to be filed.

#### **BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:**

SECTION 1. Section 293-322 of the "Revised Code of the Consolidated City and County," regarding when economic statements of interest need to be filed, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

#### **Sec. 293-322. Economic statement of interest-when to file.**

The economic statement of interest shall be filed with the office of corporation counsel, as follows:

- (1) Individuals listed in section 293-321 shall file the statement on or before May 1 of each year, but not earlier than April 1 of each year except as necessary to comply with subdivisions (2) through (4) of this section;

- (2) If an individual has not filed under subdivision (1) during the present calendar year and is filing as a candidate for elected office other than councillor, the individual shall file the statement before, or at the same time as, filing a declaration of candidacy under IC 3-8-2, petition of nomination under IC 3-8-6, or declaration of intent to be a write-in candidate under IC 3-8-2-2.5;
- (3) An individual listed in subdivisions (~~32~~) through (~~65~~) of section 293-321 shall file a statement prior to being appointed to or employed by an agency; and
- (4) An individual listed in subdivisions (~~43~~) through (~~65~~) of section 293-321 shall file a statement within sixty (60) days after leaving employment, unless a subsequent office, appointment, or employment requires the filing of a statement of economic interest.

SECTION 2. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 3. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 4. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 38, 2010. Councillor McHenry reported that the Metropolitan Development Committee heard Proposal No. 38,2 010. The proposal, sponsored by Councillor Speedy, amends the Code to re-assign the duties of Chapter 701, Trees and Flora, amongst the Departments of Code Enforcement, Public Works and Parks and Recreation, and to make other technical corrections. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Nytes said that she is still a little confused about what this proposal does. Councillor McHenry said that it puts the Department of Public Works in charge of trees instead of the Department of Parks and Recreation, so that they can cite violations and determine compliance. Councillor Mansfield asked if the purpose of this proposal is to quicken the response time regarding fallen trees. Councillor McHenry responded in the affirmative.

Councillor Minton-McNeill asked if fines will be assessed to those in violation. Councillor McHenry said that there are no new fines, and just the regular compliance fines apply.

Councillor McHenry moved, seconded by Councillor Speedy, for adoption. Proposal No. 38, 2010 was adopted on the following roll call vote; viz:

*28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn*  
*0 NAYS:*  
*1 ABSENT: Malone*

Proposal No. 38, 2010 was retitled GENERAL ORDINANCE NO. 10, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 10, 2010

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to re-assign the duties of Chapter 701 amongst the department of code enforcement, the department of public works, and the department of parks and recreation, and to make other technical corrections.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Sections 701-1 and 701-2 of the "Revised Code of the Consolidated City and County" regarding definitions of terms in, and the duty to enforce the provisions of, Chapter 701, respectively, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 701-1. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

*Bureau of license and permit services* or *bureau* means the bureau of license and permit services of the department of code enforcement.

*Department*, unless the context specifies or clearly indicates otherwise, means the department of ~~parks and recreation~~ code enforcement.

*Director*, unless the context specifies or clearly indicates otherwise, means the director of the department of code enforcement, or his or her designee.

*Flora* means all trees, shrubbery and other plants that grow to a height of more than twelve (12) inches, but expressly excluding weeds and grasses of all types.

*Occupant* means the person, firm, partnership, association, corporation, business trust, joint stock company, unincorporated organization, religious or charitable organization or any owner, person, persons or entities who are from time to time in possession of or exercising dominion and control over any house or other structure located on private property.

*Owner* means any one (1) or more of the following:

- (1) The owner or owners in fee simple of a parcel of real estate, including the life tenant or tenants;
- (2) The record owner or owners as reflected by the most current records in the county assessor's office; or
- (3) The purchaser or purchasers of such real estate under any contract for the conditional sale thereof.

*Private property* means all real estate within ~~Marion County~~ the city, except real estate that is owned, leased, controlled or occupied by the ~~State of Indiana, Marion County, the Consolidated City of Indianapolis~~ state, the county, the city or any departments or agencies thereof.

*Tree*, when used by itself, means any woody, perennial plant and includes those having a single main stem that grows to a minimum height of over ten (10) feet.

**Sec. 701-2. Duty to enforce; prosecutions for violations.**

It shall be the duty of the department of code enforcement to enforce the provisions of this chapter, and prosecutions by the ~~consolidated city~~ for violations hereof may be initiated by the department of ~~code enforcement~~, or by the director of ~~such department~~ through or in cooperation with the office of the city prosecutor.

SECTION 2. Section 701-3 of the "Revised Code of the Consolidated City and County," regarding the location and general supervision of trees and flora, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 701-3. Location; general supervision by department of public works and department of code enforcement.**

(a) The department of public works may adopt such reasonable rules and regulations for the location and control of flora in or upon all public streets, alleys, ways, places and parks in ~~Marion County the city~~. Hereafter, no tree shall be planted in any public street, alley, way, place or park in ~~Marion County the city~~ less than fifty (50) feet from any other tree planted along the same street, alley, way, place or public park or at a distance of less than two (2) feet from any established sidewalk or curb bordering any public street, alley, way or place, except by written permission of or as may be otherwise determined by the department of code enforcement.

(b) The department of public works shall control all flora now growing, or at any time grown in or on any public street, alley, way, place or park and shall also control the maintenance, removal or relocation thereof. ~~However~~ Also, the department of public works shall have the authority to perform trimming and cutting of flora in or obstructing any public street, alley or way as may be necessary or desirable to facilitate traffic movement and safety, or to provide unobstructed vision or free passage of pedestrians or motorists along the streets or public ways.

SECTION 3. Section 701-4 of the "Revised Code of the Consolidated City and County" regarding permits for planting trees or flora, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 701-4. Permit required.**

(a) No person shall plant any shade or ornamental flora on or in any portion of a public street, alley, right-of-way, place or park in ~~Marion County the city~~, unless the department, after consultation with the department of parks and recreation and the department of public works, shall have first approved the kind or variety thereof and designated the location therefor, and a special permit for such planting has been issued by the bureau of license and permit services. Trees must be of high quality and suitable species to be planted on public grounds. Trees to be planted must be well-formed, have a straight trunk, evenly balanced crown, and healthy appearance. The department shall have the power to set forth any further specifications required and may alter methods of planting, reject any tree or tree species, or suspend the right of a permit holder to plant, for any reason and without advance notice. The department will determine tree pit depth and width, and whether fertilizer, peat moss or other additives are necessary. The department must have at least forty-eight (48) hours' advance notice prior to any excavation. The department shall have continuing control over any flora planted. Any permit required by the provisions hereof shall not obviate the requirements for obtaining any other permits or licenses required by any other ordinances or statutes of the state.

(b) Any flora planted pursuant to subsection (a) shall be watered, staked, wrapped, sprayed, trimmed or fenced by guards or gratings by the permit holder when deemed necessary by the department. Trees must be watered at least once per week in dry weather during the first year after planting. The permit holder shall guarantee the survival of each tree planted for one (1) year after the planting date. Any tree not surviving for one (1) year must be replaced, either by the permit holder or by the ~~department city~~, at the permit holder's expense. After a period of one (1) year, all flora planted becomes the property of the city and all care and maintenance becomes the responsibility of the ~~department city~~.

(c) No person shall perform any arboricultural work on any shade or ornamental flora on or in any portion of a public street, alley, right-of-way, place or park in the county, unless the bureau of license and permit services shall have first granted a special permit indicating the approved activity on each designated flora. All work on city owned trees, including trimming, pruning, protecting, bracing, relocating, cultivating, spraying or removing, will be allowed only when permitted by the bureau.

(d) For purposes of this chapter, any person obtaining an encroachment permit from the city for the sole purpose of planting any flora pursuant to this section will not be required to pay the encroachment ~~permit~~ license fee once the flora becomes the property of the city.

SECTION 4. Sections 701-5, 701-6, and 701-7 of the "Revised Code of the Consolidated City and County," regarding prohibited species of trees and flora, duties of property owners, and injuring or trimming flora, respectively, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 701-5. Prohibited species and conditions.**

(a) The following tree species shall not be used by anyone for planting along any public street, alley, or right-of-way in the city, place or park: Acer negundo (box elder), Acer saccharinum (silver maple),

Ailanthus altissima ("tree of heaven" or stink tree), Alnus glutinosa (European alder), Betula papyrifera (~~eaper~~ paper birch), Betula pendula (European white birch) Catalpa bignonioides (southern catalpa), Elaeagnus species (Russian-olive), Morus species (mulberries), Platanus occidentalis (American planetree or American sycamore); Populus nigre "Italica" (Lombardy poplar), ~~or~~ Populus deltoides (cottonwood), Populus eugenei (Carolina poplar), Quercus palustris (pin oak), Salix species (all willows) ~~and or~~ Ulmus pumila (Siberian elm). Other species of trees or growths may at any time and from time to time be excluded by the department. The department may, upon written request, approve the planting of the above prohibited species if the species is appropriate to the specific site and its surroundings and is compatible and consistent with the intent of this chapter.

(b) The city shall not place, nor permit to be placed, any tree or flora ~~which that~~ will cause or tend to cause a hazardous or unsafe condition ~~either for pedestrians or motorists.~~

**Sec. 701-6. Duties of property owner.**

(a) The owner of any private property in ~~Marion County which the city that~~ borders or lies adjacent to any public street, alley, right-of-way, place or park and upon which any trees or flora may be standing shall trim or cause such trees or flora to be trimmed, either at the property line, or to a clear height of at least eight (8) feet above the surface of any abutting right-of-way or place, and fourteen (14) feet above any public street or alley. All branches or parts thereof ~~which that~~ overhang any portion of a public street, alley, right-of-way, or place, or ~~which that~~ obstruct or interfere with the passage of light from any street lighting system, shall be trimmed or cut. No person shall plant or maintain any tree or flora so close to any property line as to obstruct the vision or free passage of pedestrians or motorists along the streets or public right-of-way. ~~The consolidated city department of public works~~ or its contractual agent or agents may enter upon private property to do such cutting or trimming as may be necessary to remove any offending and obstructing tree or flora that is prohibited by the provisions hereof.

(b) An owner shall, and the ~~consolidated~~ city may, remove from flora all dead, decayed, broken or dangerous limbs, branches or parts thereof or any that overhang or are close to any public street, alley, right-of-way, or place, and, when any such flora is dead, the owner shall completely remove the same, or after notice to and failure of the owner so to do, the department of public works or its lawful agents may cause such removal and charge the cost thereof to the owner in accordance with the procedures hereinafter provided.

**Sec. 701-7. Injuring or trimming flora.**

(a) No person shall damage, remove, deaden, destroy, break, carve, cut, deface, trim or in any way injure or interfere with any flora that is located in or on any public street, alley, right-of-way, place or park within the ~~consolidated~~ city without the written consent of the ~~department~~ bureau of license and permit services first obtained, except as may be necessary in an emergency to remove or abate any dangerous or unsafe condition.

(b) No person owning or controlling any public utility lines that are upon, above or below the earth's surface; and ~~which~~ are within the right-of-way of any public street, alley, right-of-way, or place; in the city shall trim any flora or cause it to be trimmed or its roots to be cut or excavate below the earth's surface within drip line feet of any existing flora without first having submitted to the department a plan of the work to be done and receiving a permit therefor.

~~(c) The department of public works shall have the authority to perform any trimming and cutting of flora growing in or obstructing any public street, alley or right of way as may be desirable to facilitate traffic movement and safety within the public right-of-way in the consolidated city.~~

SECTION 5. Section 701-8 of the "Revised Code of the Consolidated City and County" regarding moving buildings where flora is affected, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 701-8. Moving buildings where flora affected.**

(a) No person shall move any building or structure on, upon or along any public street, alley, way or place or within any public park in the city without first obtaining a special permit from the bureau of license and permit services and then only in such manner as shall not damage or destroy any flora. The application for such permit shall identify the building or structure to be moved and the proposed route over which it is to be moved.



(b) In the event it becomes necessary to relocate, trim, care or replace any flora in or upon any public street, alley, way, place or public park in the city because of the removal or transportation of any building or structure, such relocation, trimming, care or replacement shall be done by the department of public works or its agents or, when directed by the department of public works, by any person upon his or her own premises at the expense of the applicant. Should such relocation, trimming, care or replanting of any such flora or any acts in the moving of any building or structure result in the death of any such flora within one (1) year from the date of such moving, the applicant shall replace such flora at his, her or its expense, as may be required by the department of code enforcement. Before any such permit is granted, the applicant shall either (1) execute an indemnity bond with surety to the satisfaction of the department of code enforcement or (2) deposit a cash bond with the department of code enforcement equal to one hundred fifty dollars (\$150.00) per tree and a like sum for all flora combined that it is anticipated will be adversely affected by any such move. The bonds so deposited shall be retained by the department of code enforcement until all flora or its replacement has been provided for and all damage sustained remedied to the reasonable satisfaction of the department of code enforcement.

SECTION 6. Sections 701-9 through 701-15, inclusive, of the "Revised Code of the Consolidated City and County," regarding care and maintenance of trees and flora, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 701-9. Protection during building operations.**

In connection with the erection, alteration or repair of any building or structure, or other construction activity, the owner thereof, or his or her agent or independent contractor, shall take all necessary steps to prevent injury to any flora growing in any public street, alley, way, place or public park.

**Sec. 701-10. Attaching animals or signs; permitting damage by animals.**

It shall be unlawful for any person to fasten or attach in any manner to any flora growing in any public street, alley, way, place or park any rope, sign, poster or handbill or other object or animal or pet, or in any other way to injure or deface or permit any animal to injure or deface any such flora.

**Sec. 701-11. Interfering with protective devices.**

It shall be unlawful for any person to remove, damage or misuse any guard or device at any time placed around or intended to protect any flora growing in or on any public street, alley, way, place or park in ~~Marion County~~ the city without the written consent of the department first obtained.

**Sec. 701-12. Open space around flora.**

Without the prior written consent of the department, no person shall place or maintain upon the ground in or on any public street, alley, way, place or park in ~~Marion County~~ the city, any stone, cement or other articles or material, or permit soil compaction, the effect of any of which might be to injure or impede the free passage of water and air to the roots of any flora growing in any such public street, alley, way, place or park without leaving an open space of ground of not less than two (2) feet in width around the flora. Whenever there is no such open space about any existing flora in or on any public street, alley, way, place or park, the department of public works may create such open space as it deems necessary; provided only that, in so doing, the department of public works shall not damage, destroy or obstruct the whole or any part of any existing sidewalk, curb or pavement.

**Sec. 701-13. Electrical devices near flora.**

Without the written consent of the department, no person shall attach any electric wire, insulator or other device for holding an electric wire to any flora growing in or on any public street, alley, way, place or park in ~~Marion County~~ the city. So far as practicable, every person owning or maintaining any wire or wires charged with electricity shall securely fasten and place them so that they will not damage or come in contact with any flora in or on any public street, alley, way, place or park or constitute a hazard to any person or animal, all in accordance with established safety standards.

**Sec. 701-14. Damaging or destroying flora.**

It shall be unlawful for any person in ~~Marion County~~ the city to willfully damage or destroy any flora or to use any chemicals of any kind, or other hazardous materials, ~~which~~ that in any way tend to damage, destroy or kill flora in or on any public street, alley, way, place or park.

**Sec. 701-15. Destruction of diseased or hazardous flora.**

The department of public works shall have the exclusive authority to destroy flora in or on public streets, alleys, ways, places and parks if infected by disease or injurious insects or if, in the judgment of the department of public works, it represents a dangerous condition or hazard to the public. Such destruction may also be effected when necessary for the protection of other flora or in any other case when the public safety, health or welfare is or may be adversely affected.

SECTION 7. Section 701-16 of the "Revised Code of the Consolidated City and County" regarding contents, duration and charge for permits relating to trees or flora, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 701-16. Contents, duration, charge for permits.**

Every special permit issued by the bureau of license and permit services under the provisions of this chapter shall specifically describe the work to be done, and, except for persons holding annual permits for work of such nature, all permits shall expire by law sixty (60) days after date, unless extended by the bureau. No charge shall be made for any special permit, unless otherwise provided by ordinance.

SECTION 8. Sections 701-17 through 701-23, inclusive, of the "Revised Code of the Consolidated City and County," regarding violations and enforcement of Chapter 701, hereby are amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 701-17. Interfering with department of code enforcement or department of public works.**

No person shall hinder, prevent, delay or interfere with the department of public works, or any of its agents, in the planting, maintenance or removal of any flora that may be growing in or on any public street, alley, way, place or park in Marion County the city or in the removal of any stone, cement or other materials or articles from or about the trunk or stem of any flora that may be growing in or about any public street, alley, way, place or park or otherwise interfere with the department of public works or the department of code enforcement in the performance of any other duty prescribed by the provisions of this chapter.

**Sec. 701-18. Preliminary notice of violation.**

If the department determines that a violation of sections 701-3 through 701-6, inclusive, of this chapter, exists upon private property or property owned by the United States Government ~~which that~~ is occupied, the director of the department or his or her ~~delegate~~ designee (hereinafter referred to as the "responsible party") may give a preliminary notice to the owner or occupant of such property, either verbally or by posting the notice on the property. Such preliminary notice shall state the nature of the alleged violation, the action deemed necessary to correct the condition complained of and fix a date not sooner than two (2) calendar weeks thereafter, when the property will be reinspected to determine if compliance has been effected. If, upon reinspection, it is determined that the violation has been corrected, the owner or occupant shall not be liable for any charges by reason of the preliminary notice procedure.

**Sec. 701-19. Formal notice of violation.**

If any violation of sections 701-3 through 701-6, inclusive, is not corrected as a result of the preliminary notice, or no preliminary notice is given, or the condition exists on a vacant lot or unoccupied improved real estate, the ~~responsible party~~ department shall give to the owner or owners of such real estate written notice of the existence of the condition. Such notice shall be given by ~~certified mail, return receipt requested, first-class mail~~, directed to the owner at his or her last and usual place of residence as determined by ~~resort either to the most recent edition of Polk's City or Suburban Directory or the records of the applicable township county assessor's office~~. The notice shall state the nature of the violation, describe the real estate upon which the condition exists, demand the abatement of the condition and set a date, not sooner than two (2) calendar weeks after the date of such notice, when the property shall be reinspected to determine if abatement has been effected. ~~If the certified mail is not returned within thirty (30) calendar days or if the address of the owner is unknown and cannot be ascertained after due diligence, it shall be sufficient to give notice to any offending owner by publication once in a newspaper of general circulation in Marion County. The owner or owners notified by publication shall have ten (10) days from the date of the published notice in which to abate the offending condition.~~

**Sec. 701-20. Action on failure to abate.**

If, upon reinspection of the offending real estate, ~~and, where notice has been given by publication, after the elapse of the ten-day notice period,~~ it is determined by the responsible party that abatement has not occurred, the responsible party, or its contractual agent, shall enter upon such private property or property owned by the United States Government and abate the offending condition.

**Sec. 701-21. Procedural and labor charges.**

For its services rendered in the enforcement of this chapter to any owner or owners, the owner or owners so affected shall pay to the department ~~of code enforcement, the department of public works~~ or the treasurer of ~~Marion County~~ the county the following fees and charges:

- (1) Ten dollars (\$10.00) for each inspection to determine compliance with the provisions of this chapter;
- (2) Eight dollars (\$8.00) for determining property ownership;
- (3) Any out-of-pocket costs for publication of notice pursuant to section 701-19;
- (4) Ten dollars (\$10.00) for services performed in perfecting a lien;
- (5) Three dollars (\$3.00) for each time a first class letter is mailed to an owner or owners;
- (6) Five dollars (\$5.00) for preparing and sending a certified letter;
- (7) Ten dollars (\$10.00) per man hour, or fraction thereof, for services rendered in the abatement of a violation; and
- (8) The actual costs incurred by the department of public works for the use of each piece of equipment used for abating a violation.

**Sec. 701-22. Violations, penalty.**

(a) The failure of any person, firm, corporation or partnership or any officer or director thereof to fail, refuse or neglect to abate or otherwise correct a condition on private property ~~which~~ that exists in violation of this chapter, after notice thereof in accordance with the terms hereof, shall be deemed to be an ordinance violation, and, upon conviction thereof, any such person, firm, corporation or partnership or an officer or director thereof may be punished by a fine of not to exceed five hundred dollars (\$500.00). Moreover, to the extent that a violation of this chapter results in the loss or damage to any flora, the person, firm, corporation or partnership, or an officer or agent thereof responsible for such loss or damage, may be additionally required to make restitution to the extent of such loss or damage.

(b) Any person, firm, corporation or partnership or any officer or director thereof who violates any provision of this chapter with respect to trees or flora on public property shall be subject to the enforcement provisions of section 701-24.

**Sec. 701-23. Rules, regulations, specifications authorized.**

It shall be the duty of the director of the department of public works to promulgate such reasonable rules, regulations and specifications as may be necessary to the proper enforcement of this chapter.

SECTION 9. Section 701-24 of the "Revised Code of the Consolidated City and County" regarding the enforcement of Chapter 701, hereby is amended by the deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 701-24. Enforcement.**

(a) The department; ~~and the its division of inspections of the department of code enforcement, and the department of public works,~~ shall have the right to inspect all trees and flora covered by this chapter for compliance with this chapter and the regulations promulgated pursuant hereto.

(b) Any violations of this chapter or of the regulations promulgated pursuant hereto, not otherwise covered in section 701-18 through 701-22, shall be subject to the penalties of section 103-3 of this Code and shall carry a fine of one hundred dollars (\$100.00) per day for a maximum period of twenty-five (25) days.

(c) In addition to the penalties prescribed in subsection (b), the department may enjoin or abate any violation of this chapter by appropriate action.

(d) The department may take appropriate legal action including, but not limited to, an action to recover attorney's fees.

SECTION 10. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 11. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 12. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

PROPOSAL NO. 42, 2010. Councillor Hunter reported that the Public Safety and Criminal Justice Committee heard Proposal No. 42, 2010 on March 17, 2010. The proposal, sponsored by Councillor Hunter, approves crime prevention initiative grant awards to specific organizations as recommended by the Crime Prevention Advisory Board and as approved by the Mayor. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Bateman moved, seconded by Councillor Mansfield, to remove the allocation for the Devington Community Development Corporation, as there have been some questions raised as to their effectiveness. President Vaughn thanked Councillor Bateman for bringing that issue to attention, and said that the discussion was not held in committee. He said that he would suggest they still hold that money in reserve for a future allocation, and if they determine that this group can use the money effectively, they can come back to allocate it, or can allocate it to another group if needed. He said that he supports the motion. Proposal No. 42, 2010 was amended by a unanimous voice vote.

Councillor Hunter said that for a matter of disclosure, he does serve on the board of a couple of these boards, but does not receive any financial gain from that service. Councillor Nytes said that she also serves on the board of the Symphony, but receives no personal gain. Councillor Brown added that he also sits on the Pathway to the Future board, but receives no personal gain.

Councillor Lewis asked why Peace in the Streets is no longer allocated money. President Vaughn said that it was thought that this initiative's budget would be better run through the Department of Public Safety and the Mayor's Office.

Councillor Nytes asked about the timeline regarding the effectiveness of these grants, as there are funds provided to the evaluation and auditing of these programs. President Vaughn said that the program is audited quarterly, and this report is made available quarterly upon request. Matt Hendrix, GIPC

Councillor Oliver said that if the goal of these programs is to reduce crime in the community, and if the issuance of a grant is based on that performance, the Council should be privy to that information and see that report. President Vaughn stated that Councillor Oliver is the Council's appointment to that board, and therefore, the responsibility rests on his shoulders to make sure

that information gets to the full Council.

Councillor Hunter moved, seconded by Councillor Scales, for adoption. Proposal No. 42, 2010, as amended, was adopted on the following roll call vote; viz:

*26 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Vaughn*  
*2 NAYS: Coleman, Speedy*  
*0 NOT VOTING:*  
*1 ABSENT: Malone*

Proposal No. 42, 2010 was retitled GENERAL RESOLUTION NO. 6, 2010, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 6, 2010

PROPOSAL FOR A GENERAL RESOLUTION to approve crime prevention initiative grant awards to specific organizations as recommended by the Crime Prevention Advisory Board and as approved by the Mayor.

WHEREAS, the Crime Prevention Advisory Board, having been advised by the Greater Indianapolis Progress Committee, approved certain funding recommendations on crime prevention initiatives and programs; and

WHEREAS, the Mayor reviewed the recommendations of the crime prevention advisory board, and approved the recommendations of community crime prevention grants attached hereto and incorporated herein by reference as "Appendix A;" and

WHEREAS, Section 283-605 of the Revised Code of the Consolidated City and County provides that the department of public safety shall prepare an appropriate resolution proposal for the council's approval; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Pursuant to Section 283-605 of the Revised Code of the Consolidated City and County, the city-county council hereby approves the award of community crime prevention grants to the entities, and in the amounts provided, on Appendix A.

SECTION 2. This resolution shall be in effect from and after its passage by the Council and compliance with Indiana Code § 36-3-4-14.

**APPENDIX A**  
**Proposed Final Budget**  
**Community Crime Prevention Grants**  
**November 20, 2009\***

Organization	Mayor's Recommendations
100 Black Men	\$37,000
Andrew J. Brown Academy	\$46,500
Bethlehem House	\$56,000
Big Brothers Big Sisters	\$54,000
Central Indiana Community Foundation	\$302,000
Child Advocates, Inc.	\$130,000
Children's Bureau	\$22,750
Christamore House	\$37,000
Church of Acts	\$74,000
Community Alliance of the Far Eastside (CAFÉ)	\$39,000

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Concord Center	\$34,000
Dove Recovery House	\$75,000
Ebenezer Retreat and Camping Institute	\$59,000
Emberwood Center	\$99,000
Family Services of Central Indiana	\$65,500
Fathers and Families	\$94,000
Forest Manor Multi-Service Center	\$46,500
GEO Foundation	\$49,000
Great Commission Church of God	\$64,000
Greater Indianapolis Chamber of Commerce	\$29,000
Hawthorne Community Center	\$50,700
Horizon House	\$47,300
Indiana Black Expo, Inc	\$39,000
Indiana Latino Institute, Inc.	\$20,000
Indianapolis Art Center	\$19,000
Indianapolis Downtown Inc.	\$100,000
Indianapolis Housing Agency	\$46,500
Indianapolis Parks Foundation	\$19,000
Indianapolis Symphony Orchestra	\$65,500
Indianapolis Ten Point Coalition	\$124,000
Indianapolis Urban League, Inc.	\$84,500
Indy Pal Club	\$51,250
Indy Reads	\$24,000
Jamal Abdulla Martial Arts Center	\$37,000
John P. Craine House, Inc.	\$46,500
La Plaza	\$40,000
Life Line Community Center	\$19,000
Local Initiatives Support Corporation (LISC)	\$21,500
Lutheran Child & Family Services	\$24,000
Marion County Superior Court	\$70,250
Martin Luther King Community Center	\$39,000
Mary Rigg Neighborhood Center	\$29,000
Mt Carmel Community Center	\$69,000
National Council for Educating Black Children	\$39,000
Neighbors Organized to Assist Humanity (NOAH)	\$74,000
New Life Development	\$19,000
New Light Christian Church	\$32,250
Outreach, Inc	\$65,500
PACE/OAR	\$69,000
Pathway to the Future Learning Center, Inc.	\$39,000
Peace Learning Center	\$75,500
Progress House	\$84,500
Reach for Youth	\$51,250
River Valley Resource, Inc	\$70,250
Southeast Community Center	\$22,750
Tabernacle Recreation	\$27,500
Tanniehill Wrestling Academy	\$49,000
The Julian Center	\$68,500

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The Mind Trust	\$117,750
The Salvation Army	\$37,000
Trusted Mentors	\$56,000
Use What You've Got Ministry	\$46,500
Voice in the Wilderness	\$84,000
VSA Arts of Indiana	\$19,000
Wailing Women Win	\$46,500
Wishard - Health and Hospital Corp.	\$169,000
Workforce Inc	\$99,000

**TOTAL:**

**\$ 3,961,000**

\*This proposed budget is based on recommendations of the Office of the Mayor and the Community Crime Prevention Board, as constituted by City Ordinance, with assistance provided by the staff of Greater Indianapolis Progress Committee, the Office of Finance and Management Grants Department, the Office of Corporation Counsel.

PROPOSAL NO. 68, 2010. Councillor Hunter reported that the Public Safety and Criminal Justice Committee heard Proposal No. 68, 2010 on March 17, 2010. The proposal, sponsored by Councillor Hunter, approves a transfer of \$35,000 in the 2010 Budget of the Metropolitan Emergency Communications Agency (MECA and MECA Emergency Telephone System Funds) to fund overtime costs related to the operations of the customer service desk. By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Hunter moved, seconded by Councillor Scales, for adoption. Proposal No. 68, 2010 was adopted on the following roll call vote; viz:

*27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn*

*0 NAYS:*

*1 NOT VOTING: Nytes*

*1 ABSENT: Malone*

Proposal No. 68, 2010 was retitled FISCAL ORDINANCE NO. 5, 2010, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 5, 2010

A FISCAL ORDINANCE amending the City-County Annual Budget for 2010 (City-County Fiscal Ordinance No. 35, 2009) by appropriating Thirty-Five Thousand Dollars (\$35,000) in the Metropolitan Emergency Communications Agency (MECA) Fund for purposes of the Metropolitan Emergency Communications Agency and reducing other accounts, where applicable.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1.05(f) of the City-County Annual Budget for 2010 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Metropolitan Emergency Communications Agency to fund overtime costs related to the operations of the Customer Service Desk, financed by a transfer between characters in the MECA Fund, as well as by a transfer in appropriations from the MECA Emergency Telephone System Fund.

SECTION 2. The sum of Thirty-Five Thousand Dollars (\$35,000) be, and the same appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4, where applicable.

SECTION 3. The following increased appropriation is hereby approved:

<u>MECA</u>	<u>MECA FUND</u>
1. Personal Services	35,000
2. Supplies	0
3. Other Services and Charges	0
4. Capital Outlay	0
TOTAL INCREASE	35,000

SECTION 4. The said increased appropriation is funded by the following reductions:

<u>MECA</u>	<u>MECA FUND</u>
1. Personal Services	0
2. Supplies	8,000
3. Other Services and Charges	5,000
4. Capital Outlay	0
TOTAL REDUCTION	13,000

<u>MECA</u>	<u>MECA EMERGENCY TELEPHONE SYSTEM FUND</u>
1. Personal Services	0
2. Supplies	0
3. Other Services and Charges	22,000
4. Capital Outlay	0
TOTAL REDUCTION	22,000

SECTION 5. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Speedy reported that the Public Works Committee heard Proposal Nos. 69, 70 and 72, 2010 on March 4, 2010. He asked for consent to vote on Proposal Nos. 69 and 70, 2010 together. Consent was given.

PROPOSAL NO. 69, 2010. The proposal, sponsored by Councillors Minton-McNeill and D. Mahern, authorizes a traffic signal at the intersection of Washington Street and California Street (Districts 15 and 19). PROPOSAL NO. 70, 2010. The proposal, sponsored by Councillor Minton-McNeill, authorizes a change in parking and manner of parking on Milburn Street between 14th Street and Indiana Avenue (District 15). By 8-0 votes, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Speedy moved, seconded by Councillor Cardwell, for adoption. Proposal Nos. 69 and 70, 2010 were adopted on the following roll call vote; viz:

27 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn  
0 NAYS:  
1 NOT VOTING: Nytes  
1 ABSENT: Malone

Proposal No. 69, 2010 was retitled GENERAL ORDINANCE NO. 11, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 11, 2010

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:



March 22, 2010

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	Washington St California St	Washington St	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
24	Washington St California St	None	Signal

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 70, 2010 was retitled GENERAL ORDINANCE NO. 12, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 12, 2010

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets, and Sec. 621-108, Manner of parking.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

*Milburn Street, on the east side from 14<sup>th</sup> Street to Indiana Avenue;*

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-108, Manner of parking, be and the same is hereby amended by the addition of the following, to wit:

*(b) Forty-five degree angles.*

*Milburn Street, on the west side, from 14<sup>th</sup> Street to Indiana Avenue;*

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 72, 2010. The proposal, sponsored by Councillors Speedy and Moriarty Adams, amends the Code to make technical corrections and clarify provisions as a result of the excluded City of Beech Grove having exercised its statutory right to withdraw from the Marion County Stormwater Management District. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass as amended.

Councillor Sanders if there will be any repercussions relative to the Environmental Protection Agency settlement. Councillor Speedy said that this was not brought up in committee, but he does not think so. Dennis Pappenmeier, Department of Public Works, said that he will look into the issue and get Councillor Sanders an issue. Councillor Sanders asked if the City of Beech Grove pulling out will have an effect on some of the other consent decree projects. Councillor Speedy said that it is his understanding that it will not, as this is more related to the stormwater ordinance created nine years ago, rather than the Combined Sewer Overflow consent decree. Mr. Pappenmeier confirmed that this is correct.

Councillor Cockrum said that Beech Grove wanted to opt out like the other excluded cities, and their basic complaint is that they were paying the tax, but not receiving the service.

Councillor Speedy moved, seconded by Councillor McHenry, for adoption. Proposal No. 72, 2010 was adopted on the following roll call vote; viz:

*28 YEAS: Bateman, Brown, Cain, Cardwell, Cockrum, Coleman, Day, Evans, Freeman, Gray, Hunter, Lewis, Lutz, MahernB, MahernD, Mansfield, McHenry, McQuillen, Minton McNeill, Moriarty Adams, Nytes, Oliver, Pfisterer, Rivera, Sanders, Scales, Speedy, Vaughn*

*0 NAYS:*

*1 ABSENT: Malone*

Proposal No. 72, 2010 was retitled GENERAL ORDINANCE NO. 13, 2010, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 13, 2010

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to make technical corrections and to revise and clarify provisions as a result of the excluded City of Beech Grove having exercised its statutory right under I.C. 8-1.5-5-32 to withdraw from the Marion County Stormwater Management District.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 131-425 of the "Revised Code of the Consolidated City and County," regarding stormwater user fees in excluded cities, hereby is amended by deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

**Sec. 131-425. Excluded cities.**

(a) Each lot or parcel of land located within the boundaries of the excluded cities of ~~Beech Grove,~~ Lawrence and Southport shall be charged the stormwater user fees imposed by this article. Lots or parcels located within the geographic boundaries of the excluded City of Beech Grove, the excluded Town of Speedway and the ~~incorporated included~~ Town of Cumberland shall not be charged the stormwater user fees imposed by this article because Speedway and Cumberland established a stormwater utility under IC 8-1.5 and Cumberland will have established a stormwater utility under IC 8-1.5 before the fee is imposed under section 131-421 ~~Beech Grove withdrew from the Marion County Stormwater Management District pursuant to IC 8-1.5-5-32 effective December 1, 2006.~~

(b) The department and ~~any or all of~~ the excluded cities of Lawrence and/or Southport may enter into an interlocal cooperation agreement authorized by IC 36-1-7, which agreement shall set forth how stormwater user fees are to be collected and how stormwater management services are to be provided in the respective excluded city. A description of stormwater management activities to be undertaken in the excluded city and a timetable for undertaking those activities may be established in the interlocal agreement.

(c) Except for the reasonable costs of public education and administration of the Marion County Stormwater Management District, stormwater user fees collected from properties in an excluded city shall be spent on stormwater management activities within the excluded city or stormwater activities ~~which that~~ benefit the excluded city as established by the county-wide stormwater master plan and the terms of any interlocal cooperation agreement with such excluded city.

(d) The excluded cities of Lawrence and Southport shall be represented on the Marion County Stormwater Management Technical Advisory Committee, and shall participate in the development of the stormwater master plan, as provided in section 261-502 of this Code.

(e) In consideration of an indemnification from the excluded ~~towns~~ Town of Speedway and the included Town of Cumberland, the respective town's stormwater management district shall be entitled to receive from the Marion County Stormwater Management District an annual lump sum payment in an amount equivalent to the total amount of property tax paid and allocated to the flood debt service fund from all property tax payers within the geographic boundaries of the towns of Speedway and Cumberland. This payment shall be effective for the taxes assessed beginning January 1, 2002 or the date the Marion County Stormwater Management District stormwater user fee begins to be charged, whichever is later. Such lump sum payments made to the Speedway or Cumberland Stormwater

Management District shall be deposited in a dedicated fund, shall only be used for purposes of the Speedway or Cumberland Stormwater Management District, and shall not ever be diverted, directly or indirectly, in any manner to any uses other than for the purposes of the Speedway or Cumberland Stormwater Management District.

SECTION 2. Section 261-502 of the "Revised Code of the Consolidated City and County," regarding the stormwater management district, hereby is amended by deletion of the language that is stricken-through, and by the addition of the language that is underscored, to read as follows:

Sec. 261-502. Marion County Stormwater Management Advisory Committees.

(a) The Marion County Stormwater Management Technical Advisory Committee ("technical advisory committee") is created to advise the board.

- (1) The technical advisory committee shall provide direction in the periodic update of the stormwater master plan by providing recommendations on watershed analysis, capital project need, priorities and engineering design and advising on other technical matters relating to stormwater quantity and quality issues in Marion County. The technical advisory committee's recommendations on the stormwater master plan, to the extent that is reasonable and feasible, shall coordinate the stormwater master plan with the following:

~~(1)~~ a. Combined Sewer Overflows (CSO) Operational Plan;

~~(2)~~ b. ~~the~~ Sanitary Sewer Overflow (SSO) program;

~~(3)~~ c. ~~the e~~Efforts to phase out urban septic systems not designed for permanent public health protection;

~~(4)~~ d. ~~the~~ Marion County Health Department's mosquito control efforts and a rational wetland habitat protection policy;

~~(5)~~ e. ~~H~~Levee maintenance to address major river rises; and

~~(6)~~ f. ~~e~~Efforts to improve stormwater quality in Marion County surface and ground waters.

- (2) The technical advisory committee shall consist of ~~nine (9)~~ eight (8) members, who shall serve at the pleasure of the person or group ~~which that~~ makes the appointment ~~and who shall, after the initial terms specified below, be appointed for three year terms, and.~~ Members shall be appointed as follows:

- a. ~~Three (3)~~ Two (2) members shall be appointed by the councils of ~~the~~ excluded cities as provided in section 131-425 of the code, one by ~~each of Beech Grove, Lawrence, and one~~ (1) by Southport.

- b. Three (3) members shall be appointed by the mayor, ~~who~~ and shall be property owners in Marion County ~~and not members of the same political party.~~ No more than two (2) mayoral appointees shall be of the same political party.

- c. Three (3) members shall be appointed by the city-county council, ~~who~~ and shall be property owners in Marion County, ~~no more than two (2) of whom shall be of the same political party.~~ Two (2) of whom council appointees shall be appointed upon nomination of the majority leader and one (1) shall be appointed upon nomination by the minority leader. No more than two (2) council appointees shall be of the same political party.

All persons appointed shall have suitable technical experience and training, preferably in water management, to participate in the tasks set forth for the committee. All committee members may be appointed for successive terms. Vacancies occurring by reason of death, resignation or removal, shall be filled by the official or group that made the appointment for the balance of the unexpired term.

- ~~(3) Initial appointments shall be for the following terms: Members appointed by the excluded cities, one (1) member appointed by the mayor and one (1) member appointed by the city-county council shall be appointed for two year terms ending December 31, 2002; and two (2) members appointed by the mayor and two members appointed by the city-county council shall be appointed for three year terms ending December 31, 2003.~~

~~(43) After the expiration of the initial terms, a~~ All members shall be appointed for three-year terms ending on December 31.

~~(5) Technical advisory committee meetings shall be scheduled by the department and shall be open to the public.~~

~~(b) In addition to the membership requirements set forth in subsection (a) above, members of the technical advisory committee shall be appointed such that a minimum of no more than one (1) member resides in each of the townships of Marion County.~~

~~(e) Technical advisory committee meetings shall be scheduled by the department and shall be open to the public.~~

SECTION 3. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance, or any regulation, does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 4. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

## **NEW BUSINESS**

Councillor Pfisterer wished President Vaughn a happy birthday. Councillor Cockrum congratulated Butler University and Purdue University on making it into the Sweet 16 in the Basketball championships, and wished them well. Councillor Evans stated that he will be leaving on the seventh to participate as a keynote speaker in Israel regarding education reform.

## **ANNOUNCEMENTS AND ADJOURNMENT**

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Pfisterer stated that she had been asked to offer the following motion for adjournment by:

- (1) All Councillors in memory of Lettie Oliver; and
- (2) All Councillors in memory of Rudy Hightower; and
- (3) Councillor McQuillen in memory of Paul Dutchess and Wilbur Hoover; and
- (4) Councillor Gray in memory of Samuel Milton, Jr. and Sheila Rhodes ; and
- (5) Councillor Nytes in memory of Michael Brown, Jane Hennessy Fortune, Maxine McClury, Helen Foreman, Dorothy St. John and Ken Graves; and
- (6) Councillor Pfisterer in memory of Harold Osting, Jay Snedeker, Cyrus Steinmeyer, Clifford Devine and Ed "Dutch" Ahrendt; and
- (7) Councillor Coleman in memory of Jame Stuart Goldstein; and
- (8) Councillor Evans in memory of Charles Keys.

Councillor Pfisterer moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Lettie Oliver, Rudy

Hightower, Paul Dutchess, Wilbur Hoover, Samuel Milton, Jr., Sheila Rhodes, Michael Brown, Jane Hennessy Fortune, Maxine McClury, Helen Foreman, Dorothy St. John, Ken Graves, Harold Osting, Jay Snedeker, Cyrus Steinmeyer, Clifford Devine, Ed "Dutch" Ahrendt, Jame Stuart Goldstein and Charles Keys. She respectfully asked the support of fellow Councillors. She further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:21 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 22nd day of March, 2010.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)